

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Anthony D. Sanders, #06132-07,)	C/A NO. 1:09-1425-CMC-SVH
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
U.S. Department of Justice and Federal)	
Bureau of Prisons,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint filed in this court pursuant to 5 U.S.C. § 552.¹

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report"). On August 9, 2010, the Magistrate Judge issued a Report recommending that Defendants' motion to dismiss and/or for summary judgment be granted and this matter dismissed with prejudice. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed timely objections to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is

¹The Report indicates this is a matter which was filed pursuant to 42 U.S.C. § 1983. The court believes this is a scrivener's error, as the Report clearly addresses this matter as a complaint filed under the Freedom of Information and Privacy Acts.

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review of those matters as to which an objection was made, and considering the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

This court agrees with the Report that the material responsive to Plaintiff's request was either produced to him or withheld under a valid exception under 5 U.S.C. § 552(b)(6) and/or (b)(7)(C).² Plaintiff's objections are repetitive of arguments presented in his opposition to the Defendants' dispositive motion. Moreover, the court disagrees with Plaintiff's contention that the Report contains findings of fact that are "erroneous." Obj. at 7 (Dkt. #28, filed Aug. 27, 2010).

Defendants' motion for summary judgment is **granted** and this matter is dismissed with prejudice. Plaintiff's motion for Vaughn Indexing (Dkt. # 17, filed Oct. 8, 2009) is **denied** as unnecessary due to the completeness of the description of the documents withheld provided in Lathrop's declaration. *See Antonelli v. Sullivan*, 732 F.2d 560 (7th Cir. 1983).

²The court notes that as of at least July 17, 2009, Plaintiff's "Sentence Monitoring Computation Data" sheet indicates that the underlying error of which Plaintiff complains in this suit has been corrected. *See* Ex.#1 to Defs. M. to Dism, Dkt. #15-1 (filed Sept. 28, 2009).

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 31, 2010

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